

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
N/S Hinton Avenue, 65' W of * ZONING COMMISSIONER
the c/l of 10th Street (Lot 171) * OF BALTIMORE COUNTY
15th Election District
7th Councilmanic District
Patrick Curran
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as Lot 171 on Hinton Avenue, consists of .188 acres more or less zoned D.R. 5.5, and is an undeveloped lot located near the intersection of Hinton Avenue and a paper street known as 10th Street. Testimony indicated the property is part of the Swan Point subdivision which was recorded with 50-foot wide lots. Petitioner is desirous of constructing a single family dwelling on the subject property; however, while the overall lot area contains 8,200 sq.ft., the lot does not meet setback requirements as to width.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and

3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of February, 1989 that the Petition for Zoning Variance to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall comply with the requirements of the Office of Planning as set forth in their comments dated January 20, 1989, attached hereto and made a part hereof.

3) Petitioner shall not allow or cause the proposed dwelling to be used as a two family dwelling unit or as apartments.

4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated November 15, 1988, attached hereto and made a part hereof.

J. Robert Haines
Zoning Commissioner for
Baltimore County

JRH:bjs

PETITION FOR ZONING VARIANCE CRITICAL AREA
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-278-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 500.14 of the B.C.Z.R. to permit a lot width of 50' in lieu of the required 55'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

When lots were recorded they were 50' wide. Lots were in single ownership for 4 years. Will not effect the overall density of the recorded plat. Lots are good amount over the required size.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name) _____
Signature _____
Address _____
City and State _____
Attorney for Petitioner: (Type or Print Name) _____
Signature _____
Address _____
City and State _____
Attorney's Telephone No.: _____

Legal Owner(s): Patrick Curran
(Type or Print Name) _____
Signature _____
(Type or Print Name) _____
Signature _____
Address _____
City and State _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted _____
Patrick Curran
Name _____
Address _____
City and State _____
3113 Wellington Way 557-9501
Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of February, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 109, County Office Building in Towson, Baltimore County, on the 24th day of January, 1989, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

Beginning on the North side of Hinton Avenue, 15' wide at the distance of 65' west of the centerline of 10th Street. Being Lot 171 in Subdivision of Swan Point, Book 7 Folio 162.

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222

January 6, 1989

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hrgs. Case #89-278-A - P.O. #07855 - Reg. #M25142 - 85 was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 6th day of January 1989; that is to say, the same was inserted in the issues of January 5, 1989

Kimbel Publication, Inc.
per Publisher.

By K.C. Oke

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
474-3333

J. Robert Haines
Zoning Commissioner

Mr. Patrick Curran
3113 Wellington Way
Fallston, Maryland 21047

RE: Petition for Zoning Variance
CASE NUMBER: 89-278-A
N/S Hinton Avenue, 65' W c/l of 10th Street
Lot #171
15th Election District - 7th Councilmanic
Petitioner(s): Patrick Curran
HEARING SCHEDULED: TUESDAY, JANUARY 24, 1989 at 2:00 p.m.

Dear Mr. Curran:

Please be advised that \$94.93 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 109, Towson, Maryland 21204, on the day of the hearing.

BALTIMORE COUNTY, MARYLAND No. 035050
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 1/13/89 ACCOUNT R-01-615-000
AMOUNT \$ 94.93
RECEIVED BY Gerald Fitch v. Jones
FOR P.A. 1-24-89 Hearing
89-278-A
VALIDATION OR SIGNATURE OF CASHIER
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 154 Date of Posting 1/13/89
Posted for Variance
Petitioner: Patrick Curran
Location of property: N/S Hinton Ave, 65' W of c/l of 10th St
Location of Sign: Being Hinton Ave, approx 15' E. road way
Remarks: ex. property of P.A. Jones
Posted by J. Robert Haines
Date of return: 1/13/89
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. January 5, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on January 5, 1989.

THE JEFFERSONIAN,

S. Zoltz Orlan
Publisher

PO 07856
reg M25141
case 89-278-A
price \$37.43

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3303

J. Robert Haines
Zoning Commissioner

December 15, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-278-A
N/S Hinton Avenue, 65' W. of c/l of 10th Street
Lot #171
15th Election District - 7th Councilmanic
Petitioner(s): Patrick Curran
HEARING SCHEDULED: TUESDAY, JANUARY 24, 1989 at 2:00 p.m.

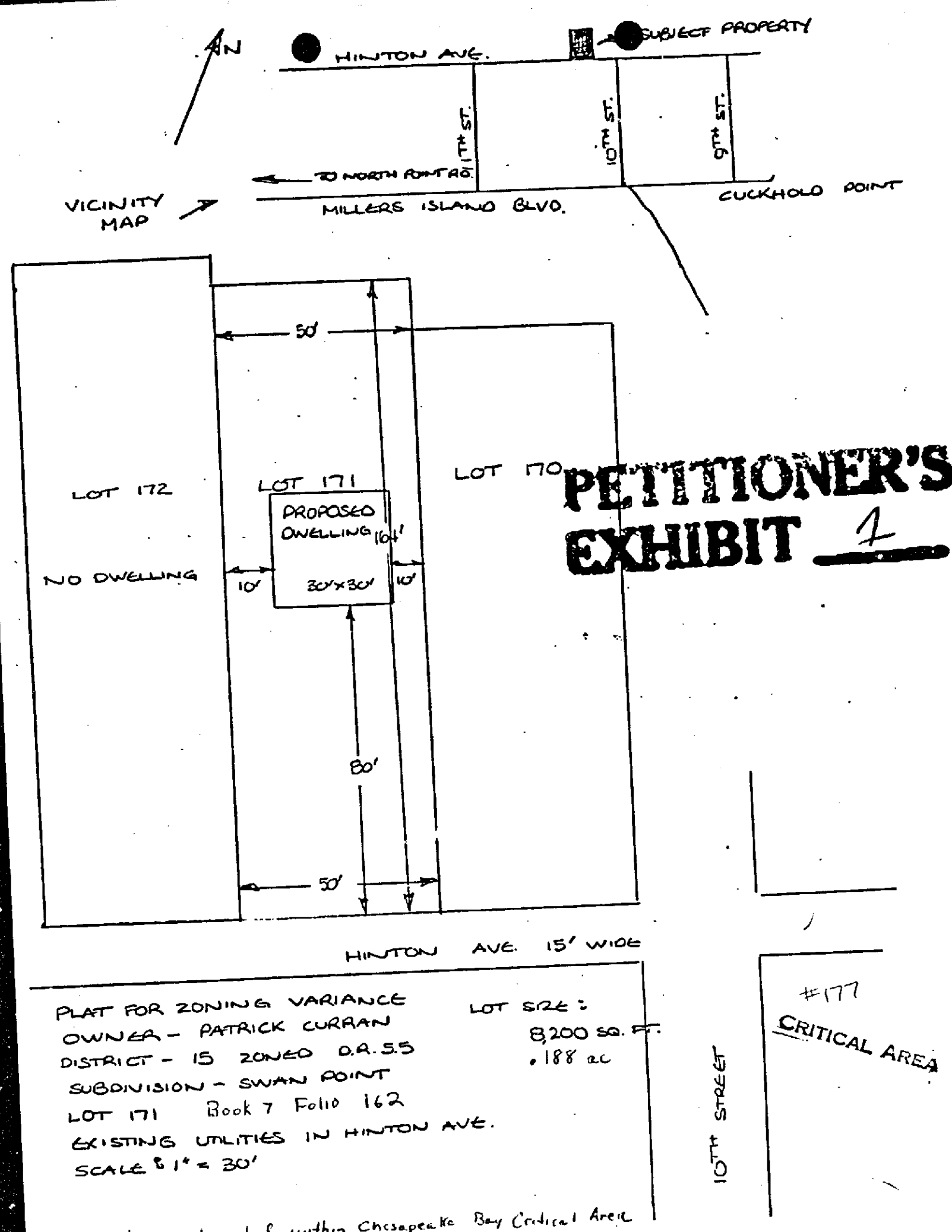
VARIANCE to permit a lot width of 50 feet in lieu of the required 55 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Mr. Patrick Curran
Chesapeake Critical Area Commission
File



Dennis F. Rasmussen
County Executive



89-278-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
10th day of November, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner Patrick Curran
Petitioner's Attorney

Received by: James P. Dyer
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 408
Towson, Maryland 21204
(301) 887-3554

November 25, 1988



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

ZAC - Meeting of November 9, 1988
Item Nos. 172, 175, 176, 177, 178, 179, 180, 181, and 182.

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 172, 175, 176, 177, 178, 179, 180, 181, and 182.

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF/lvw

Memo to Mr. J. Robert Haines
November 15, 1988
Page 2

- Storm water runoff shall be directed from impervious surfaces associated with this petition to pervious areas to encourage maximum infiltration.
- Rooftop runoff shall be directed through down-spouts and into a dry well of approved design to encourage maximum infiltration (see attached dry well design).

Upon compliance with the above requirements, this project will be approved. Please contact Mr. David C. Flowers at 887-3960 if you require additional information.

Robert W. Sheesley
Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:DCF:tjg

Attachment

cc: The Honorable Ronald B. Hickernell

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 17, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

020

Mr. Patrick Curran
3113 Wellington Avenue
Fallston, Maryland 21047

RE: Item No. 177, Case No. 89-278-A
Petitioner: Patrick Curran
Petition for Zoning Variance

Dear Mr. Curran:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner
DATE: November 15, 1988

FROM: Mr. Robert W. Sheesley

SUBJECT: Curran Property - Hinton Avenue
Petition for Zoning Variance - Item #177

Subject property is located at Hinton Avenue, Lot 171. The site is within the Chesapeake Bay Critical Area and is classified as Limited Development Area.

The applicant has filed a Petition for a Zoning Variance to permit a lot width of 50 feet in lieu of the required 55 feet.

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- Conserve fish, wildlife and plant habitat; and
- Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01 >

The proposed development will comply with Critical Area Law provided that the zoning petition is conditioned with the following requirements:

- One major deciduous tree or two conifer trees shall be planted and maintained on the lot. A combination of these two tree types is acceptable provided that 1,000 square feet of tree cover is provided. A major deciduous tree is estimated to cover 1,000 square feet and a conifer, 500 square feet at maturity.

Baltimore County
Fire Department
Towson, Maryland 21204-2536
494-4500

Paul H. Reincke
Chief

December 29, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Patrick Curran

Location: N/S Hinton Avenue, 65' W. of c/l of 10th Street

Item No.: 177

Zoning Agenda: Meeting of 11/9/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reincke*
Planning Group
Special Inspection Division

NOTED &
APPROVED:

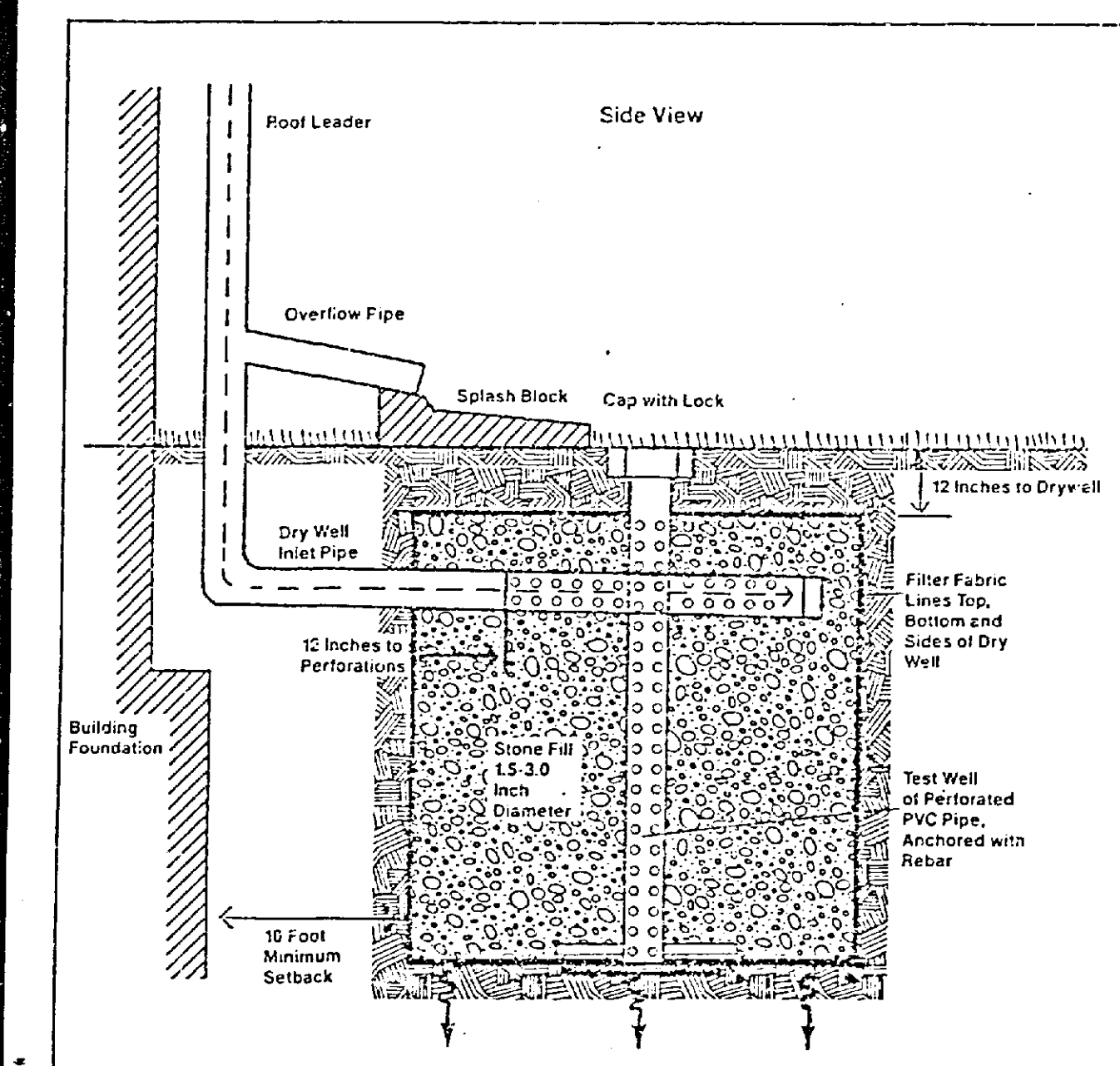
Fire Prevention Bureau

/j1

DESIGN 4:

Dry Well Design. (Figure 5.8). Dry wells are a basic trench variation which are designed exclusively to accept rooftop runoff from residential or commercial buildings (Figure 5.8). Additional guidance on dry well design is available from Md WRA (1984). Basically, the leader from the roof is extended into an underground trench, which is situated a minimum of ten feet away from the building foundation. Rooftop gutter screens are needed to trap any particles, leaves and other debris, and must be regularly cleared.

Figure 5.8: Dry Well Design (adapted from Md WRA, 1984)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

Date: January 20, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Zoning Petition Nos. 89-277-A (Ruth); 89-278-A (Curran);
and 89-279-A (F. Rasmussen)

The applicant in each of these cases is requesting consideration to establish lot sizes of 50 feet in width rather than 55 feet and variances to respective side yards where required. In reference to these requests, staff provides the following information.

• In instances such as these, staff's primary concerns are:

1. What is the impact on adjoining property?, and;
2. Are adequate front, side, and rear yard setbacks being provided on the site?, and;
3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to build unsuitable homes on the lots or expand homes into required areas?

Based upon the information provided and analysis conducted, staff recommends that if any of the requests are granted, the following conditions be attached.

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property.

Any applications for building permits shall include a copy of the site plan and the Commissioner's "Findings of Fact and Conclusions of Law," provided by the applicant.

PK/sf

RECEIVED
JAN 23 1989
ZONING OFFICE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

February 10, 1989

Mr. Patrick Curran
3113 Wellington Way
Fallston, Maryland 21047

RE: PETITION FOR ZONING VARIANCE
N/S Hinton Avenue, 65' W of the c/l of 10th Street
(Lot 171, Hinton Avenue)
15th Election District - 7th Councilmanic District
Patrick Curran - Petitioner
Case No. 89-278-A

Dear Mr. Curran:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Chesapeake Bay Critical Areas Commission
Tawes State Office Bldg., D-4, Annapolis, Md. 21404

People's Counsel

File



Dennis F. Rasmussen
County Executive

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

PATRICK CURRAN

3113 WELLINGTON WAY

BALDWIN MD 21013